

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

JOHN WORKMAN,

Petitioner,

v.

CIVIL ACTION NO. 5:05-cv-00889

CHARLES T. FELTS, Warden,

Respondent.

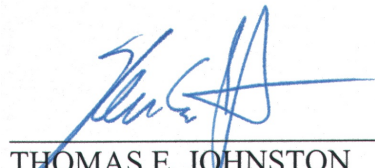
ORDER

By Standing Order entered on July 21, 2004, and filed in this case on November 10, 2005, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation [“PF&R”]. Magistrate Judge VanDervort filed his PF&R on August 6, 2007 [Docket 12]. In that filing, the magistrate judge recommended that this Court deny Petitioner’s Motion for Default Judgment [Docket 8], grant Respondent’s Motion for Leave to File Response Out of Time [Docket 9], and refer this matter back to the magistrate judge for further consideration of this matter.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Here, objections to Magistrate Judge VanDervort’s PF&R were due by August 23, 2007, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). Petitioner has failed to object to the PF&R.

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge VanDervort, the Court adopts the recommendations contained therein. Accordingly, the Court hereby **DENIES** Petitioner's Motion for Default Judgment [Docket 8], **GRANTS** Respondent's Motion for Leave to File Response Out of Time [Docket 9], and **REFERS** this matter back to the magistrate judge for further consideration of this matter. The Clerk is directed to mail a copy of this Order to all counsel of record, Petitioner, *pro se*, and Magistrate Judge VanDervort.

ENTER: August 28, 2007



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE